

AFFIDAVIT

DISTRICT OF COLUMBIA)
CITY OF WASHINGTON) ss.

James B. Rhoads, being duly sworn, deposes and says:

1. I am the duly appointed Archivist of the United States and, as such, I am the head of the National Archives and Records Service, one of the five operating services of the General Services Administration, an agency of the United States of America. My office is located in the Archives Building, 7th and Pennsylvania Avenue, N. W., Washington, D. C. The following statements are based upon information required by me in connection with my services as Archivist and Deputy Archivist.
2. As Archivist of the United States, pursuant to authority delegated to me by the Administrator of General Services,^{1/} my responsibilities include the custody and preservation of all documents and other articles on deposit in the Archives of the United States, including the photographs and x-rays referred to in the certificate of Judge Edward A. Haggerty, Jr. of the Criminal District Court, Parish of Orleans, State of Louisiana.
3. Said photographs and x-rays were transferred to the custody of the United States of America by the executors of the estate of the late President John F. Kennedy by letter agreement dated October 29, 1966, executed by Burke Marshall on behalf of the executors of the

^{1/} The Administrator of General Services by general GSA Order No. ADM P 5450.39 (Chap. 3, par. 1a(3)) dated May 5, 1964, has delegated to the Archivist of the United States all responsibility for the care and custody of documents and other articles on deposit in the National Archives and Records Service.

estate of John F. Kennedy, and by Lawson B. Knott, Jr., Administrator of General Services. A copy of said letter agreement is attached hereto as Exhibit A. As authorized by section 507(e)(1) of the Federal Property and Administrative Services Act of 1949 (44 U.S.C. 397(e)(1)), said letter agreement contains restrictions having been accepted on behalf of the United States of America, compliance therewith is required by the letter agreement and by law.

4. Under the restrictions imposed in paragraph II(2) of said letter agreement said photographs and x-rays may not be made available for use in the criminal proceedings referred to above.
5. The National Archives and Records Service, particularly through its Presidential Libraries and the National Archives, performs a very valuable service both for important public figures who give their papers and other historical materials to the United States, and for scholars who will eventually use these materials as basic sources for research. It provides secure storage for the papers and a professional staff to arrange and index the papers so as to make them more useful to scholars who will use them. The authority of the National Archives and Records Service to accept such gifts of papers subject to whatever conditions of limited access may be requested by the donor ensures that during the period when a degree of sensitivity attaches to discussion of events and personalities,

the rights of privacy of the donor and of persons discussed in the papers are fully protected. It also ensures that valuable collections of papers will be saved, and with the passage of an appropriate period of time will be made available to writers, scholars, and other interested persons for research use. To violate the confidential restrictions would completely destroy the public confidence in the Federal Government to honor its commitments to donors of papers, oral history transcripts, and other historical materials. If this confidence is destroyed, the validity of the whole concept of Presidential Libraries will be placed in question, and the future development of these and similar institutions will be imperilled. For, if public figures no longer feel assured that their interests will be protected when their papers are deposited in public institutions they will cease to place important and sensitive papers in such institutions. The result will be a drying-up of basic research resources in history, economics, public administration, and the social sciences generally, damaging to the cause of education, culture and public enlightenment.

6. It would be a great and undue burden on me as Archivist of the United States to travel to and from Louisiana to appear as a witness in the Criminal District Court for the parish of Orleans in the criminal proceedings in the case of State of Louisiana v. Clay L. Shaw. I am personally involved in a number of tasks

relating to the transition in the office of President of the United States from President Lyndon B. Johnson to President-elect Richard M. Nixon. Among such tasks are: (a) the transfer of papers, films, and museum objects, as well as staff, to Austin, Texas, incident to the establishment of the Lyndon Baines Johnson Library, and (b) working with high level officials of the incoming Administration on matters involving archival and paperwork management. These special problems, which are of a continuing nature requiring high priority, are in addition to my normal responsibilities for administering an organization of approximately 2,100 employees in some 26 locations throughout the United States. These responsibilities include (a) administration of the National Archives of the United States, involving the selection, preservation, and administration of Federal Government records of permanent value; (b) direction and coordination of Federal Government programs for records management; (c) administration of Federal Records Centers for storage and administration of noncurrent Federal records; (d) administration of Presidential Libraries; and (e) administration of the Office of the Federal Register.

7. As outlined above, said photographs and x-rays are held in my custody as part of my official duties as Archivist of the United States, pursuant to and subject to the terms, conditions, and restrictions of the aforementioned letter agreement. I had no

part in, and was not present at, the taking, development, or
production of said photographs or x-rays, and I would be completely
unable to testify as to their meaning or interpretation.

James B. Rhodes

Subscribed and sworn to before me this 6 day of January,
1969.

Audrey Ann Crump
Notary Public

My commission expires August 31, 1971.